



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,838	03/04/2004	Johan Henric Robert Blix	blix5135	3863

29556 7590 11/21/2007
WHITE, REDWAY AND BROWN LLP
1217 KING STREET
ALEXANDRIA, VA 22314

EXAMINER

GILBERT, WILLIAM V

ART UNIT	PAPER NUMBER
----------	--------------

3635

MAIL DATE	DELIVERY MODE
-----------	---------------

11/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/791,838

Applicant(s)

BLIX ET AL.

Examiner

William V. Gilbert

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is a Final Office Action. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-11, 13, 14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kettler et al. (U.S. Publication 2002/0083673) in view of Morita et al. (U.S. Patent No. 4,943,612).

Regarding Claim 1, Kettler discloses a wood panel (Page 2, paragraph 0026) with a tongue and groove configuration (Figure 1). Kettler does not disclose coating the tongue or groove with a polymer film with a Tg higher than about -15 degrees C. Morita discloses a polymer film (Column 3, lines 61, 62) having a Tg higher than -15 degrees C (Column 3, line 57). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to coat the tongue or groove of

the panel in Kettler with the polymer in Morita because Morita teaches this polymer is used with wood products as an adhesive (column 14, lines 9-14), and it is well known in the art to use adhesives in wooden tongue and groove connections.

Regarding Claims 2 and 3, Kettler in view of Morita disclose the Tg is, per Claim 2, between -10 to 65 degrees C and, per Claim 3, 0 to 40 degrees C. Column 3, line 57.

Regarding Claims 4-6, Kettler in view of Morita does not disclose, per Claim 4, a moisture content less than 2 weight percent based on the solids content; per Claim 5, a pendulum hardness from 10 to 160 pendulum; and per Claim 6 a pendulum hardness of 20 to 120 pendulums. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to have these limitations because Applicant failed to state a criticality for having these limitations and it is inherent the claimed invention has moisture content and pendulum hardness. Further the prior art of record is capable of being made with these limitations.

Regarding Claim 7, Kettler in view of Morita discloses an ethylenically unsaturated monomer (Column 8, lines 4-12).

Regarding Claim 9, Kettler in view of Morita discloses a plasticizer (Column 3, line 59).

Regarding Claim 10, Kettler in view of Morita discloses the polymer solution comprising polyvinyl alcohol (Column 11, line 53).

Regarding Claim 11, Kettler in view of Morita discloses the polymer solution comprises surfactants (Column 11, line 3).

Regarding Claim 13, Kettler in view of Morita disclose the claimed invention except for the limitation of the plasticizer in the range of 0 to 10 percent weight based on the dry solids and a second polymer film having a plasticizer less than 15 percent weight based on the dry solids. It would have been obvious at the time the invention was made to a person having ordinary skill in the art as a matter of design choice to use these limitations because Applicant failed to state a criticality for having these limitations and the prior art of record is capable of being made in with these limitations.

Regarding Claim 14, Kettler in view of Morita discloses the tongues and grooves are wood based (Kettler paragraph 0026).

Regarding Claim 16, Kettler in view of Morita discloses a floor covering according to Claim 1 (Kettler paragraph 0003).

Regarding Claim 17, the parquet board in Kettler is capable of being used as a wall covering.

Regarding Claim 18, Kettler in view of Morita discloses providing an interlocking unit with tongues and grooves (Kettler Figure 1), applying a polymer on the tongue or groove (Morita Column 14, lines 9-15) and forming a film (Column 3, lines 61, 62) with a Tg higher than -15 degrees C (Column 3, line 57).

Regarding Claim 19, Kettler in view of Morita discloses the Tg is between -10 to 65 degrees C (Column 3, line 57).

Regarding Claim 20, Kettler in view of Morita discloses an ethylenically unsaturated monomer (Kettler, Column 8, lines 5-12) and at least one plasticizer (Column 3, line 59).

Regarding Claim 21, Kettler in view of Morita discloses a floor covering according to Claim 7 (Kettler paragraph 0003).

Regarding Claim 22, the parquet board in Kettler is capable of being used as a wall covering.

Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kettler and Morita, further in view of Lelli et al. (U.S. Patent No. 6,617,386).

Regarding Claim 8, Kettler in view of Morita discloses the claimed invention except for the use of polyvinyl acetate.

Lelli discloses a finish employing polyvinyl acetate. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add polyvinyl acetate to the mixture in Morita because polyvinyl acetate aids in the adhesion process of the mixture.

Regarding Claim 15, Kettler discloses an interlocking unit (Figure 1) with tongues and grooves but does not disclose a polymeric coating. Morita discloses a polymeric film (Column 3, lines 61-63) having a Tg between -10 to 65 degrees C (Column 3, line 57) and a plasticizer (Column 3, line 59). Morita does not disclose using polyvinyl acetate in the film. Lelli discloses a finish with polyvinyl acetate. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the film in Morita to the wood in Kettler because Morita teaches that the material can be used on wood (Column 124, lines 9-15). Further adding the polyvinyl acetate in Lelli to the material in Morita is obvious because it would help in the adhesion properties of the material in Morita.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kettler and Morita, further in view of Rockrath et al (U.S. Patent No. 6,410,646).

Regarding Claim 12, Kettler in view of Morita discloses the claimed invention except for the addition of etherified amino resin. Rockrath discloses a coating having ethylenically unsaturated monomers (Column 6, lines 62-63) and employing etherified amino resin (Column 8, lines 29-31). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use this resin in the mixture in Morita because Rockrath teaches that it is well known in the art to add such a composition (Column 8, lines 24-28).

Response to Arguments

2. The following addresses applicant's remarks dated 17 September 2007.

That a polymer film is not the same a polymer latex (remarks page 7):

The examiner, respectfully, is unclear as to applicant's position that the Morita (cited above) reference discloses a polymer latex, which is not a polymer film. The examiner cites Column 3, lines 60 and following that the polymer latex is a film (see also Col. 4, lines 5 and following), that is used as an adhesive with wood products (Col. 14, lines 10 and

following). Thus the Morita reference, therefore, satisfies the limitation.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Gilbert whose telephone number is 571.272.9055. The examiner can normally be reached on Monday - Friday, 08:00 to 17:00 EST.

Application/Control
Number: 10/791,838
Art Unit: 3635

Page 9

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571.272.6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WVG

WVG
15 Nov 07

Barth Kahl
Patent Examiner
11/19/07
103633